

REMARKS

Upon entry of the present amendment, claims 1, 11, 32 and 33 are pending, claims 32 and 33 are new, and claims 22-25 have been canceled. Claims 2-10, 12-21 and 26-31 were withdrawn. The abstract has been amended to address the objection raised in the Office action.

Claims 1 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,265,508 to Bell. Bell does not disclose first and second conveyors arranged in series with a gap therebetween with a reciprocating head positioning a blade in the gap between the first and second conveyors when effecting formation of cuts in said food product, as presently recited in claim 1. Bell also does not disclose first and second conveyors arranged in series with a gap therebetween where a blade translates transversely through the food product and partially in the gap between the first and second conveyors, as presently recited in claim 11.

As explained in the present application, e.g., p. 5, ll. 18-19, having the blade extend in the gap between the first and second conveyors permits the bottom of the blade to extend below the bottom side of a food product being cut. This benefit is not achieved with the apparatus disclosed in Bell. Instead, Bell merely states that its "feed table 6 may include a conveyor for automatically advancing stock material 13 to the anvil at the cutting station." (Col. 4, ll. 34-36.) Thus, Bell does not disclose more than one conveyor, does not disclose more than one conveyor with a gap therebetween, and does not disclose more than one conveyor with a gap therebetween where a blade partially extends into the gap.

Claims 1 and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,920,495 to Pilkington. It is respectfully submitted that claims 1 and 11, as presently recited, are not unpatentable over Pilkington. As the Office action admits, Pilkington does not disclose a conveyor, and thus does not disclose a blade that is positioned in a gap between a first conveyor and a second conveyor arranged in series.

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The Office action specifically cites three other patents, U.S. Patent Nos. 4,922,774 to Oldeman, 4,452,113 to Pearl, and 3,641,854 to Keesling. These references do not disclose a blade that is positioned in a gap between a first conveyor and a second conveyor arranged in series. Keesling does not disclose a conveyor. Instead, Keesling discloses multiple roller shafts 3 in a cradle 4 and discharge bed 7. Pearl discloses only a single conveyor belt 16. Oldeman discloses a supply conveyor 1, and intermediate conveyor 2 and a discharge conveyor 3. In order to use a knife 10 to cut a piece of rubber 5, the intermediate conveyor 2 is pivoted downward, as shown in Fig. 3(III), and a cutting beam 9 is moved to an upward position between the supply conveyor 1 and the intermediate conveyor 3, as shown in Fig. 3(IV). When the cutting beam 9 is in its upward position, "the top of the cutting beam 9 lies higher than the upper courses of the conveyors 1 and 2, so that the rubber strip 4 of rubber is stretched..." (Col. 2, ll. 55-62.) Thus, the knife 10 of Oldeman is not positioned in a gap between the conveyors 1 and 2, but rather is above the conveyors.

It is also submitted that claims 32 and 33 are patentable over the cited references.

For the reasons set forth above, claims 1, 11, 32 and 33 are believed to be allowable over the cited references, and reconsideration and allowance of claims 1, 11, 32 and 33 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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